

108TH CONGRESS  
1ST SESSION

# H. R. 1993

To amend the Public Health Service Act to establish an Office of Correctional Health.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2003

Mr. STRICKLAND (for himself, Mr. HOLDEN, Mr. WAXMAN, Mr. CONYERS, Mr. RANGEL, Mr. CUMMINGS, Mr. FORD, Mr. GUTIERREZ, Mr. PALLONE, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to establish an Office of Correctional Health.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Office of Correctional  
5       Health Act of 2003”.

1 **SEC. 2. ESTABLISHMENT OF OFFICE OF CORRECTIONAL**  
2 **HEALTH.**

3 Title XVII of the Public Health Service Act (42  
4 U.S.C. 300u et seq.) is amended by adding at the end  
5 the following section:

6 “OFFICE OF CORRECTIONAL HEALTH

7 “SEC. 1711. (a) IN GENERAL.—There is established  
8 within the Office of Public Health and Science an office  
9 to be known as the Office of Correctional Health (in this  
10 section referred to as the ‘Office’), which shall be headed  
11 by a director appointed by the Secretary. The Secretary  
12 shall carry out this section acting through the Director  
13 of the Office.

14 “(b) GENERAL DUTIES.—

15 “(1) IN GENERAL.—The Secretary shall carry  
16 out public health activities regarding individuals who  
17 are employees in Federal, State, or local penal or  
18 correctional institutions or who are incarcerated in  
19 such institutions (which activities regarding such in-  
20 dividuals are referred to in this section as ‘correc-  
21 tional health activities’, and which individuals are so  
22 referred to collectively as ‘correctional populations’).  
23 Correctional health activities that may be carried out  
24 under the preceding sentence include activities re-  
25 garding disease prevention, health promotion, service  
26 delivery, research, and health professions education.

1           “(2) CERTAIN TYPES OF INSTITUTIONS.—The  
2       types of penal or correctional institutions with re-  
3       spect to which this section is authorized to be car-  
4       ried out include facilities in which individuals are  
5       held pending judicial proceedings (including individ-  
6       uals who are minors), facilities in which individuals  
7       are held pending administrative proceedings of the  
8       Immigration and Naturalization Service, and facili-  
9       ties in which individuals who are minors are held  
10      pursuant to judicial proceedings in which such indi-  
11      viduals are found, as minors, to have engaged in vio-  
12      lations of law.

13       “(c) CERTAIN ACTIVITIES.—In carrying out correc-  
14      tional health activities under subsection (b), the Secretary  
15      shall—

16           “(1) coordinate all correctional health programs  
17      within the Department of Health and Human Serv-  
18      ices;

19           “(2) provide technical support to State and  
20      local correctional agencies on correctional health  
21      issues;

22           “(3) cooperate with other Federal agencies car-  
23      rying out correctional health programs to ensure co-  
24      ordination of such programs;

1           “(4) consult with, and provide outreach to,  
2       State directors of correctional health and providers  
3       of correctional health care;

4           “(5) facilitate the exchange of information re-  
5       garding correctional health activities; and

6           “(6) facilitate collaboration between correctional  
7       facilities and State and local health departments.

8       “(d) GRANTS REGARDING HEPATITIS.—

9           “(1) IN GENERAL.—The Secretary, in consulta-  
10      tion with the Director of the Centers for Disease  
11      Control and Prevention, may make grants to States  
12      for the purpose of providing for correctional popu-  
13      lations screenings, immunizations, and treatment for  
14      hepatitis A, B, and C.

15          “(2) DISCRETION OF GRANTEE REGARDING  
16      SCOPE OF PROGRAM.—A State receiving a grant  
17      under paragraph (1) may expend the grant for any  
18      or all of the activities authorized in such paragraph.

19          “(3) REQUIREMENT OF MATCHING FUNDS.—

20               “(A) IN GENERAL.—With respect to the  
21      costs of the program to be carried out under  
22      paragraph (1) by a State, the Secretary may  
23      make a grant under such paragraph only if the  
24      State agrees to make available (directly or  
25      through donations from public or private enti-

ties) non-Federal contributions toward such costs in an amount not less than 20 percent of such costs (\$1 for each \$4 of Federal funds provided in the grant).

“(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(4) CERTAIN EXPENDITURES OF GRANT.—The Secretary may make a grant under paragraph (1) only if, with respect to the activities to be carried out with the grant pursuant to paragraph (2), the State agrees that a portion of the grant will be expended to carry out such activities at penal or correctional institutions that are not facilities in which individuals serve terms of imprisonment, including facilities in which individuals are held pending judicial proceedings.

1       “(e) ANNUAL REPORT.—The Secretary shall annu-  
2 ally submit to the Congress a report describing the correc-  
3 tional health activities carried out under this section. The  
4 report shall include a description of the status of correc-  
5 tional health activities in the United States.

6       “(f) RULE OF CONSTRUCTION REGARDING AGENCY  
7 JURISDICTION.—With respect to correctional health pro-  
8 grams that are carried out by agencies of the Public  
9 Health Service and were in operation as of the day before  
10 the date of the enactment of the Office of Correctional  
11 Health Act of 2003, this section may not be construed  
12 as requiring the Secretary to transfer jurisdiction for the  
13 programs from such agencies to the office established in  
14 subsection (a).

15       “(g) AUTHORIZATION OF APPROPRIATIONS.—

16               “(1) IN GENERAL.—For the purpose of car-  
17 rying out this section, other than subsection (d),  
18 there are authorized to be appropriated such sums  
19 as may be necessary for each of the fiscal years  
20 2004 through 2008.

21               “(2) GRANTS REGARDING HEPATITIS.—For the  
22 purpose of carrying out subsection (d), there are au-  
23 thorized to be appropriated \$15,000,000 for each of

- 1 the fiscal years 2004 through 2006, and \$5,000,000
- 2 for each of the fiscal years 2007 and 2008.”.

